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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,856	02/27/2002	Douglas U. Mennie	47171-00373USD1	6222
30223	7590	12/31/2007		
NIXON PEABODY LLP 161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER SWARTZ, JAMIE H	
			ART UNIT	PAPER NUMBER
			3694	
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			12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/084,856		MENNIE ET AL.	
	Examiner		Art Unit	
	Jamie H. Swartz		3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 258-261 and 267-270 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 258-261 and 267-270 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment filed on October 30, 2007. Claims 212-257, and 262-266 are cancelled. Claims 267-270 are new. Claims 258-261 and 267-270 are currently pending.

Response to Arguments

2. Applicant's arguments with respect to claims 258-261 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The amendment filed October 30, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The applicant includes details about a bulk coin receptacle as well as the acceptance of bulk coins. These details are not disclosed in the original specification or the original claims.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 258-261 and 267-270 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant includes details about a bulk coin receptacle as well as the acceptance of bulk coins. These details are not disclosed in the original specification or the original claims. There are details of mixed loose coins that are added but there is nothing in the original disclosure that shows or teaches that the coins aren't added one at a time (§ 397).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 258-261 and 267-270 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding claims 258 and 267, the word "singulating" renders the claim(s) indefinite because the claim(s) include(s) a word that is not defined by the applicant nor is it a word found in an English dictionary thereby rendering the scope of the claim(s) unascertainable.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 258-261 and 267-270 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 5641050 A) in view of Avnet et al. (US 5291003 A).

11. Regarding claim 258, Smith teaches redeeming currency from a customer at a self-service machine (col. 5, line 30 – col. 17, line 3). Smith teaches receiving money input by the customer the act of receiving money input by the customer comprising substantially simultaneously receiving, in a coin receptacle, randomly oriented coins input by the customer (col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches a coin separation device (col. 5, line 30 – col. 10, line 55). The coin separation device is incorporated by Smith's reference to the MC5 coin changer manual. Smith teaches discriminating between authentic and non-authentic forms of the money including discriminating between valid coins and invalid coins of the bulk coins (col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches determining a total value of the authentic forms of the money input by the customer (at least col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches dispensing various items, including technological devices, and never limits what the machine can dispense (abstract, col. 6, lines 42-col. 20, line 13). Smith does not specifically state that a card can be dispensed by the invention and since

Smith does not teach away it is possible that Smith could dispense a card. However, Avnet specifically teaches dispensing a card having a storage medium for storing a monetary value that is related to the total inputted value (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

12. Regarding claim 259, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Smith also teaches data cards. Smith does not specifically teach the use of a credit card on the machine. However, Avnet teaches wherein the act of receiving money input by the customer further includes the acts of receiving a credit card from the customer, deducting an amount from a line of credit from associated with the credit

Art Unit: 3694

card, and wherein the step of determining the total inputted value further including includes adding the amount from the line of credit (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the payment uses of a credit card. As well as convenient, accessible credit, credit cards offer consumers an easy way to track expenses, which is necessary for both monitoring personal expenditures and the tracking of work-related expenses for taxation and reimbursement purposes. Credit cards are accepted worldwide, and are available with a large variety of credit limits, repayment arrangement, and other perks (such as rewards schemes in which points earned by purchasing goods with the card can be redeemed for further goods and services or credit card cash back). Some countries, such as the United States, the United Kingdom, and France, limit the amount for which a consumer can be held liable due to fraudulent transactions as a result of a consumer's credit card being lost or stolen. The use of credit cards is secure and time efficient.

13. Regarding claim 260, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the

Art Unit: 3694

currency. Smith also teaches data cards. Smith does not specifically teach the use of a credit card on the machine. However, Avnet teaches receiving instructions from the customer regarding the amount deducted from the line of credit (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the use of credit cards and a line of credit. As well as convenient, accessible credit, credit cards offer consumers an easy way to track expenses, which is necessary for both monitoring personal expenditures and the tracking of work-related expenses for taxation and reimbursement purposes. Credit cards are accepted worldwide, and are available with a large variety of credit limits, repayment arrangement, and other perks (such as rewards schemes in which points earned by purchasing goods with the card can be redeemed for further goods and services or credit card cash back). Some countries, such as the United States, the United Kingdom, and France, limit the amount for which a consumer can be held liable due to fraudulent transactions as a result of a consumer's credit card being lost or stolen. The use of credit cards is secure and time efficient. Each credit card inherently has a line of credit associated with it.

14. Regarding claim 261, Smith teaches receiving money includes receiving bills from the customer (see at least abstract).

15. Regarding claim 267, Smith teaches wherein the act of receiving money includes simultaneously receiving, in a coin receptacle, randomly oriented coins input by the customer (col. 5, line 30 – col. 17, line 3).

16. Regarding claim 268, Smith teaches a method of redeeming currency from a customer at a self-service machine (col. 5, line 30 – col. 17, line 3). Smith teaches receiving coins input by the customer, the act of receiving coins comprising substantially simultaneously receiving, in a coin receptacle, randomly oriented coins input by the customer (col. 5, line 30 – col. 17, line 3). Smith teaches a coin separation device (col. 5, line 30 – col. 17, line 3). The coin separation device is incorporated by Smith's reference to the MC5 coin changer manual. Smith teaches discriminating between authentic and non-authentic coins (col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches determining a total value of the authentic coins (at least col. 7, lines 43-67, col. 10, lines 20-45). Smith teaches dispensing various items, including technological devices, and never limits what the machine can dispense (abstract, col. 6, lines 42-col. 20, line 13). Smith does not specifically state that a card can be dispensed by the invention and since Smith does not teach away it is possible that Smith could dispense a card. However, Avnet teaches dispensing a card having a storage medium associated with a monetary value related to the total value of the authentic coins (col. 1, line 60 –

col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

17. Regarding claim 269, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Smith also teaches data cards. Smith teaches a total value (col. 5, line 30 – col. 17, line 3). Smith does not specifically state that a card can be dispensed by the invention and since Smith does not teach away it is possible that Smith could dispense a card. However, Avnet teaches the card has stored on the storage medium a monetary value related to the value of the authentic coins (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and

Art Unit: 3694

more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

18. Regarding claim 269, Smith teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Smith also teaches data cards. Smith teaches a total value (col. 5, line 30 – col. 17, line 3). Smith does not specifically state that a card can be dispensed by the invention and since Smith does not teach away it is possible that Smith could dispense a card. However, Avnet teaches wherein the card has stored on the storage medium account information related to an account to which the value of the authentic coins is associated (col. 1, line 60 – col. 5, line 40). Smith teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including

Art Unit: 3694

data cards. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would be obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include the details of dispensing a card. Both Avnet and Smith teach vending machines. And since Smith teaches that there are multiple items that can be dispensed by the machine it would have been obvious for Smith to dispense a value card. The purpose in combining the two references is to teach that vending machines that dispensed cards with values did exist at the time of the invention, and to show Smith could have dispensed cards with values.

19. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie H. Swartz whose telephone number is (571) 272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamie Swartz
December 20, 2007


E. J. DOLBERT
PRIMARY EXAMINER